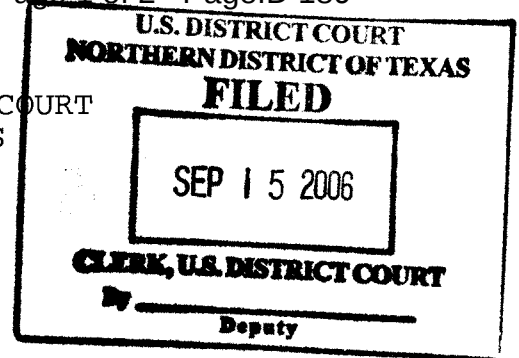


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



DAVID MICHAEL SHEID,

Petitioner,

VS.

NATHANIEL QUARTERMAN, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL
INSTITUTIONS DIVISION,

Respondent.

2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032

NO. 4:06-CV-241-A

O R D E R

Came on for consideration the above-captioned action wherein David Michael Sheid is petitioner and Nathaniel Quarterman, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On August 8, 2006, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any, thereto by August 29, 2006. On August 23, 2006, petitioner filed his written objections. Respondent has not made any further response. In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which specific objection is made. United States v. Raddatz, 447 U.S. 667 (1980). The court is not addressing any nonspecific

objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

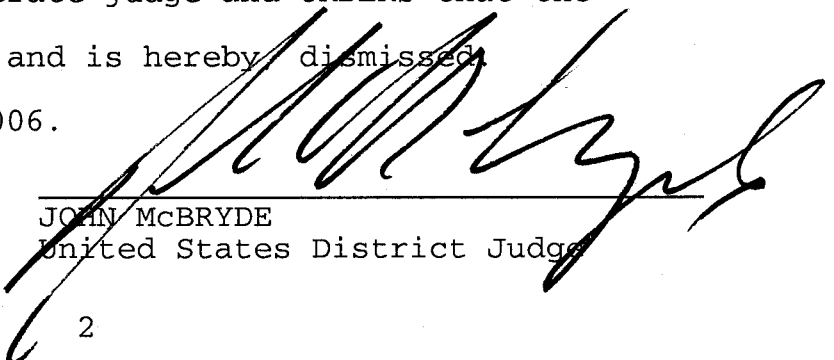
Some of petitioner's objections complain of typographical or similar-type errors in the magistrate judge's Findings, Conclusions, and Recommendation (hereinafter "FC&R"). None of these objections are substantive, and none of them, if sustained, would affect the outcome. Therefore, the court is not devoting further attention to them. Other objections amount to quibbling about statements or conclusions expressed by the magistrate judge that, again, cannot affect the outcome. The main thrust of the objections seems to be that petitioner is entitled to equitable tolling that would cause the filing of his petition to be timely. After having thoroughly studied the matter, the court concludes that the magistrate judge reached the proper conclusions on the tolling issues.

The court has concluded that, under the circumstances, nothing would be accomplished by allowing petitioner to conduct discovery or to expand the record, and that there is no reason why an evidentiary hearing should be conducted.

Therefore,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition in this action be, and is hereby dismissed.

SIGNED September 15, 2006.


JOHN MCBRYDE
United States District Judge